



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/814,766

03/31/2004

David Marmaros

24207-10073

8903

62296

7590

01/22/2009

GOOGLE / FENWICK  
SILICON VALLEY CENTER  
801 CALIFORNIA ST.  
MOUNTAIN VIEW, CA 94041

EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2456

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,766	<b>Applicant(s)</b> MARMAROS ET AL.	
	<b>Examiner</b> KEVIN BATES	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-15, 17-53 and 55-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-15, 17-53, and 55-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

This Office Action is in response to a communication made on November 25, 2008.

The amendment to the specification has been received.

Claims 1, 13, 14, 18-26, 33, 34-53, 55-64, and 66 are currently amended.

Claims 1-8, 12-15, 17-53, and 55-67 are pending in this application.

***Claim Objections***

Claim 37 is objected to because of the following informalities: Claim 37 is missing the number of the claim it is dependent on. In the previous claim amendments, claim 37 was dependent from claim 33, thus for the purpose of this action the examiner is assuming claim 37 is suppose to be still dependent on claim 33. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8, 12-15, 23-47, 55-65, and 67, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen (2005/0057584) in view of Daniell (2004/0054737), and in further view of Newton (2003/0131061).**

**Regarding claim 1**, Gruen teaches a method, comprising:

capturing a message event by compiling event data associated with at least one message (§53);

associating the message event with a conversation (§55); and

indexing at least some of the event data associated with the message event (§51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled after determining a length of time of inactivity, and that the determined length of time being specific based on at least in part of an identity of a user.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§116-119), where the instant message event data is compiled based on sessions (§119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity is determined based on event messages received based on involved parties (i.e. user identifies), thus having different parties inactive for different amount of time (§104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claim 33**, Gruen teaches a computer-readable storage medium for processing IM events, the computer-readable storage medium containing executable program code, comprising:

program code for capturing a message event by compiling event data associated with at least one message (§53);

program code for associating the message event with a conversation (§55); and

program code indexing at least some of the event data associated with the message event (§51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled determining changes in a user interface, and that the determined length of time being specific based on at least in part of an identity of a user.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§116-119), where the instant message event data is compiled based on sessions (§119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based changes in the user interface.

Newton teaches that IM sessions are defined based collected IM messages, where the messages are new text messages to be added to the user interface (§104-105), that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity is determined based on event messages received based on involved parties (i.e. user identifies), thus having different parties inactive for different amount of time (§104-105).

.It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claim 65**, Gruen teaches a method, comprising:

identifying a message network packet associated with a message application on a client device ( §53);

monitoring the message application to determine event data associated with an instant messenger message (§53);

compiling a message event from at least some of the event data (§53);

determining if an existing conversation relevant to the message event exists;

associating the message event with an existing conversation if the existing conversation is determined to be relevant to the message event (§49-51); and

associating the message event with a new conversation if no existing conversation is determined to exist that is relevant to the message (§49-51); and

indexing and storing the message event (§51-52).

Gruen does not explicitly indicate that the message event is an instant messenger event, that the instant message event is compiled after determining a period of inactivity, that the period of inactivity is based on at least in part of an identity of a user, and that the determined length of time being specific based on at least in part of an identity of a user.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§116-119), where the instant message event data is compiled based on sessions (§119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity is determined based on event messages received based on involved parties (i.e. user identifies), thus having different parties inactive for different amount of time (§104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claims 2 and 34**, Gruen teaches the method of claims 1 and 33, further comprising: receiving a search query; and identifying the conversation as relevant to the search query (§102-103).

Gruen does not explicitly indicate associating an IM event with a conversation.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§116-119), where the instant message event data are indexed with email threads of conversations (§116-119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.



**Regarding claims 3 and 35**, Gruen teaches the method of claims 1 and 33 wherein the event data comprises one or more of sender data, recipient data, a time associated with the event, a date associated with the event, and content from the instant messenger message (§§51-52).

**Regarding claims 4 and 36**, Gruen teaches the method of claims 3 and 35, wherein indexing at least some of the event data comprises associating an event ID with the event and associating the event ID with at least some of the event data (§§50).

**Regarding claims 5 and 37**, Gruen teaches the method of claims 1 and 33, wherein the instant messenger event is captured on a client device (§§47).

**Regarding claims 6 and 38**, Gruen teaches the method of claims 1 and 33, wherein the instant messenger event is captured on a network device (§§47).

**Regarding claims 7 and 39**, Gruen teaches the method of claims 1 and 33, wherein capturing an instant messenger event comprises: identifying an activity associated with an instant messenger application on a client device (§§53); identifying the instant messenger event (§§53); and compiling the instant messenger event from at least some of the event data (§§51-52).

**Regarding claims 8 and 40**, Gruen teaches the method of claims 1 and 33, wherein compiling the instant messenger event is performed upon the sending or receipt of the instant messenger message (§§53).

**Regarding claim 41**, Gruen teaches the method of claim 33.

Gruen does not explicitly indicate wherein compiling the instant messenger event is performed after a period of time.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§§116-119), where the instant message event data is compiled based on sessions (§§119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold (§§104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claim 42,** Gruen teaches the method of claim 33.

Gruen does not explicitly indicate wherein the period of time is predetermined.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§§116-119), where the instant message event data is compiled based on sessions (§§119).

Art Unit: 2456

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claim 43,** Gruen teaches the method of claim 41.

Gruen does not explicitly indicate wherein the period of time is a period of inactivity on the instant messenger application.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM

Art Unit: 2456

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claims 12 and 44**, Gruen teaches the method of claims 1 and 33, further comprising: determining if an existing conversation relevant to the instant messenger event exists; associating the instant messenger event with an existing conversation if the existing conversation is determined to be relevant to the instant messenger event; and associating the instant messenger event with a new conversation if no existing conversation is determined to exist that is relevant to the instant messenger event (¶49-51).

**Regarding claims 13 and 45**, Gruen teaches the method of claims 1 and 33, further comprising:

identifying message activity associated with an message application on a client device ( ¶53);

identifying a message event associated with the messenger message.

Gruen does not explicitly indicate that the message event is an instant messenger event.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§§116-119), where the instant message event data is compiled based on sessions (§119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 14 and 46**, Gruen teaches the method of claims 13 and 45, wherein identifying instant messenger activity comprises identifying instant messenger network activity (§53).

**Regarding claims 15 and 47**, Gruen teaches the method of claims 14 and 46, wherein event data is also determined from the instant messenger network activity (§53).

**Regarding claims 23 and 55**, Gruen teaches the method of claims 13 and 45, wherein compiling the instant messenger event is performed upon the sending or receipt of the instant messenger message (§53).

**Regarding claims 24 and 56**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein compiling the instant messenger event is performed after a period of time.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§§116-119), where the instant message event data is compiled based on sessions (§§119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold (§§104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claims 25 and 57**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein the period of time is predetermined.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (§§116-119), where the instant message event data is compiled based on sessions (§§119).

Art Unit: 2456

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claims 26 and 58,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein the period of time is a period of inactivity on the instant messenger application.

Daniell teaches a system for indexing messages which includes Instant Messenger messages (¶116-119), where the instant message event data is compiled based on sessions (¶119).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM

Art Unit: 2456

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

Daniell does not explicitly indicate that IM sessions are defined based on a period of inactivity.

Newton teaches that IM sessions are defined based when the IM window is closed or a threshold period of inactivity is reached, wherein further the period of inactivity can be a defined threshold(¶104-105).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Newton's teaching of defining IM sessions in determining when to index IM chat transcripts and emails into conversation threads as taught by Gruen and Daniell.

**Regarding claims 27 and 59**, Gruen teaches the method of claims 13 and 45, further comprising associating the instant messenger event with a conversation (¶55).

**Regarding claims 28 and 60**, Gruen teaches the method of claims 13 and 45 wherein the event data comprises one or more of sender data, recipient data, a time associated with the event, a date associated with the event, and content from the instant messenger message (¶51-52).

**Regarding claims 29 and 61**, Gruen teaches the method of claims 13 and 45, wherein event data comprises a conversation ID (¶55).

**Regarding claims 30 and 62**, Gruen teaches the method of claims 27 and 59, wherein associating the instant messenger event with a conversation comprises: determining if an existing conversation relevant to the instant messenger event exists;



Art Unit: 2456

associating the instant messenger event with an existing conversation if the existing conversation is determined to be relevant to the instant messenger event; and associating the instant messenger event with a new conversation if no existing conversation is determined to exist that is relevant to the instant messenger event (§49-51).

**Regarding claims 31 and 63**, Gruen teaches the method of claims 30 and 62, wherein determining if an existing conversation exists is based at least in part on participants in the message and a time the message was received or sent (§48-49; 51).

**Regarding claims 32 and 64**, Gruen teaches the method of claims 30 and 62, further comprising determining a title associated with the conversation (§53).

**Regarding claim 67**, Gruen teaches the method of claim 13.

Gruen does not explicitly indicate identifying an instant messenger event at least in part by hooking into the instant messenger application's notification application program interface.

Daniell teaches identifying an instant messenger event at least in part by hooking into the instant messenger application's notification application program interface (Figure 7, element 308, 614, and 310).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daniell's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Claims 17-22 and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen, in view of Daniell and Newton, and in further view of Bengel (“Archiving and Indexing Chat Utterances”).**

**Regarding claim 48,** Gruen teaches the method of claim 45.

Gruen does not explicitly indicate wherein identifying instant messenger activity comprises identifying a user interface change associated with an instant messenger application.

Bengel teaches a system for identifying instant messenger activity comprises identifying a user interface change associated with an instant messenger application (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 17 and 49,** Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying instant messenger activity comprises determining that the instant messenger application is active.

Bengel teaches identifying instant messenger activity comprises determining that the instant messenger application is active (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM

Art Unit: 2456

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 18 and 50**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises monitoring the instant messenger application for an ongoing period of time.

Bengel teaches identifying the instant messenger event comprises monitoring the instant messenger application for an ongoing period of time (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 19 and 51**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises analyzing a current state of the instant messenger application to identify the instant messenger event.

Bengel teaches wherein identifying the instant messenger event comprises analyzing a current state of the instant messenger application to identify the instant messenger event (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM

Art Unit: 2456

messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 20 and 52**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises identifying a display area associated with the instant messenger application and determining the content of the display area.

Bengel teaches identifying the instant messenger event comprises identifying a display area associated with the instant messenger application and determining the content of the display area (Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claims 21 and 53**, Gruen teaches the method of claims 13 and 45.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises one or more of monitoring operating system calls made by the instant messenger application to display text, hooking into the instant messenger application's notification application program interface, and directly querying the instant messenger application.

Bengel teaches identifying the instant messenger event comprises one or more of monitoring operating system calls made by the instant messenger application to display text, hooking into the instant messenger application's notification application

Art Unit: 2456

program interface, and directly querying the instant messenger application (Page 2, right column, 1st full paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Regarding claim 22**, Gruen teaches the method of claim 13.

Gruen does not explicitly indicate wherein identifying the instant messenger event comprises extracting text from a display area associated with the instant messenger application.

Bengel teaches wherein identifying the instant messenger event comprises extracting text from a display area associated with the instant messenger application ((Page 2, right column, 1st and 2nd full paragraphs).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bengel's teaching of monitoring and indexing chat and IM messages in Gruen's system to allow the auto-indexing of IM messages as well as emails.

**Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruen in view of Daniell and Newton, and in further view of Shtivelman (6346952).**

**Regarding claim 66**, Gruen teaches the computer-readable medium of claim 45.

Gruen does not explicitly indicate wherein the extraction of the text from the display area comprises performing optical character recognition on an image.

Shtivelman teaches a system for extracting information from chat conversations includes extraction of the text from the display area comprises performing optical character recognition on an image (Col. 12, lines 5 – 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Shtivelman's teaching of OCRing images for keywords so that the messages in Gruen can be indexed based on text keywords and also non-text based keywords (Col. 11, lines 53 - 59).

### ***Response to Arguments***

Applicant's arguments filed November 25, 2008 have been fully considered but they are not persuasive.

The applicant argues that the combination of Gruen, Daniell, and Newton, does not teach determining the length of time is specific to an identity of the user. The examiner disagrees; claim 1 recites "determining a length of time of inactivity of a user after which to compile an instant messenger event associated with the user, the determined length of time being specific to an identity of the user." Newton teaches that sessions are defined by a period of inactivity and based on the parties involved. It is clear from Newton that the inactivity between particular party members is the period of inactivity that is being considered to determine whether the session has ended. Based on that teaching, Newton's teaching of inactivity reads on the claim limitations, because

Art Unit: 2456

the inactivity is individually determined between parties and not an overall communication system inactivity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/  
Primary Examiner, Art Unit 2456